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Of Attorneys for Debtor-in-Possession

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

Fizz & Bubble, LLC

Debtor-in-Possession.

Case No. 19-34092-tmb11

DECLARATION OF SARA COBB IN  
SUPPORT OF DEBTOR'S RESPONSE  
TO UNITED STATES TRUSTEE'S  
MOTION UNDER 11 U.S.C. § 1112(b)  
TO DISMISS OR CONVERT

I, Sara Cobb, declare and state as follows:

1. I am a certified bankruptcy assistant at the law firm of Vanden Bos & Chapman, LLP. This Declaration is made in support of Debtor's Response to United States Trustee's Motion Under 11 U.S.C. § 1112(b) to Dismiss or Conver.

2. As part of my duties, I routinely perform searches on PACER, as well as file and upload documents in various bankruptcy cases on behalf of our clients. I also compile information from PACER and other sources to create spreadsheets of the data for use by the attorneys at VBC.

3. Attached as **Exhibits A** and **B** to my declaration are spreadsheets which list Chapter 11 open or pending cases before the Bankruptcy Court for the District of Oregon, as well as Chapter 11 closed cases. The purpose of the spreadsheets is to determine the

average length of time it takes from the filing date of the petition to the filing date of the plan and also the average time it takes from the date of filing the petition in the case to the date of confirmation of the plan.

4. I reviewed PACER reports for Chapter 11 cases filed for the time period March 2015 up to the filing date of *In re Body By Pastrami, LLC*, (Case No. 19-34107-tmb11), the case filed 2 days after Debtor's case. I performed a search for closed cases and a search for open cases. Chapter 11 small business cases were not included on the spreadsheets, nor were cases that had been dismissed. The results are set forth on the attached spreadsheets.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand the above statements are made for use as evidence in Court and are subject to penalty for perjury.

Dated: March 20, 2020

/s/ Sara Cobb  
Sara Cobb, Declarant

OPEN / PENDING CHAPTER 11 CASES

| No. | Ch 11 Case                            | Ch 11 Case No. | Filing Date | Plan Date  | Number of Days to Plan Proposal | Confirmation Date | Number of Days - Filing to Confirmation | If not confirmed, No of Days from Filing to 03/20/20 |
|-----|---------------------------------------|----------------|-------------|------------|---------------------------------|-------------------|---|--|
| 1   | Data Systems, Inc.                    | 16-30477-tmb11 | 2/11/2016   | 8/8/2016   | 179                             | 12/7/2016         | 300                                     |  |
| 2   | Vern Ray Scovell                      | 17-31213-dwh11 | 4/3/2017    | 8/1/2017   | 120                             | 4/16/2018         | 379                                     |  |
| 3   | B. & J. Property Investments, Inc.    | 19-60138-pcm11 | 1/17/2019   | 7/15/2019  | 180                             | 1/21/2020         | 370                                     |  |
| 4   | Shand'e Raelle Carpenter              | 19-30990-dwh11 | 2/6/2019    | No         |                                 | No                | N/A                                     | 408  |
| 5   | Eric A. Molinar                       | 19-30921-pcm11 | 3/15/2019   | 1/9/2020   | 300                             | No                | N/A                                     | 371  |
| 6   | Casey Ren Mott                        | 19-31388-pcm11 | 4/16/2019   | 8/14/2019  | 120                             | No                | N/A                                     | 339  |
| 7   | 15005 NW Cornell LLC                  | 19-31883-dwh11 | 5/21/2019   | 10/18/2019 | 151                             | No                | N/A                                     | 304  |
| 8   | 4 Him Food Group, LLC                 | 19-62049-tmr11 | 7/2/2019    | No         |                                 | No                | N/A                                     | 262  |
| 9   | Wall to Wall Tile & Stone, LLC        | 19-32600-dwh11 | 7/16/2019   | No         |                                 | No                | N/A                                     | 248  |
| 10  | North Pacific Cannery & Packers, Inc. | 19-62584-pcm11 | 8/22/2019   | 2/20/2020  | 182                             | No                | N/A                                     | 211  |
| 11  | Fizz & Bubble, LLC                    | 19-34092-tmb11 | 11/4/2019   | No         |                                 | No                | N/A                                     | 137  |
|     | <b>AVERAGE</b>                        |                |             |            | <b>176</b>                      |                   | <b>349.67</b>                           | <b>374</b>   |

## CLOSED CHAPTER 11 CASES

| No. | Ch 11 Case                | Ch 11 Case No. | Filing Date | Plan Date  | Number of Days to Plan Proposal | Confirmation Date | Number of Days - Filing to Confirmation |
|-----|---------------------------|----------------|-------------|------------|---------------------------------|-------------------|---|
| 1   | Nolan Town Center, LLC    | 15-33273-rld11 | 7/6/2015    | 1/29/2016  | 207                             | 5/3/2016          | 302                                     |
| 2   | John Charles Sanborn      | 15-33749-tmb11 | 8/3/2015    | 11/23/2015 | 112                             | 3/30/2016         | 240                                     |
| 3   | Rick L. & Lisa H. Hardin  | 15-34223-tmb11 | 10/8/2015   | 3/3/2016   | 147                             | 1/30/2017         | 480                                     |
| 4   | William Gert Schmidt, Jr. | 15-34445-rld11 | 9/20/2015   | 10/26/2015 | 36                              | 3/15/2016         | 177                                     |
| 5   | Donald Nelson Bauhofer    | 16-30020-tmb11 | 1/6/2016    | 4/20/2016  | 105                             | 8/16/2016         | 223                                     |
| 6   | DePaul Industries         | 16-32293-pcm11 | 6/10/2016   | 11/10/2016 | 153                             | 5/1/2017          | 325                                     |
| 7   | Peak Web LLC              | 16-32311-pcm11 | 6/13/2016   | 10/11/2016 | 120                             | 4/14/2017         | 305                                     |
| 8   | Townridge, Inc.           | 16-32482-tmb11 | 6/25/2016   | 11/26/2016 | 154                             | 5/18/2017         | 327                                     |
| 9   | Lowell & Sons, LLC        | 16-33707-tmb11 | 9/27/2016   | 6/12/2017  | 258                             | 12/21/2017        | 450                                     |
| 10  | Patricia Lynn Hayden      | 16-34221-dwh11 | 11/4/2016   | 12/29/2016 | 55                              | 10/17/2017        | 347                                     |
| 11  | Wittke, Lowell and Judy   | 17-33812-tmb11 | 10/11/2017  | 4/2/2018   | 173                             | 10/5/2018         | 359                                     |
| 12  | Cathleen Carole Walker    | 17-33888-dwh11 | 10/17/2017  | 2/14/2018  | 120                             | 8/13/2018         | 300                                     |
| 13  | Mark E. Delong            | 17-34395-pcm11 | 11/28/2017  | 4/12/2018  | 135                             | 10/19/2018        | 325                                     |
| 14  | Sunshine Wind Down, LLC   | 18-31644-pcm11 | 5/9/2018    | 3/5/2019   | 300                             | 8/15/2019         | 463                                     |
| 15  | Sammy James Hassan        | 18-33561-tmb11 | 10/15/2018  | 2/12/2019  | 120                             | 10/8/2019         | 358                                     |
|     | <b>AVERAGE:</b>           |                |             |            | <b>146.33</b>                   |                   | <b>332.07</b>                           |

**CERTIFICATE - TRUE COPY**

DATE: March 20, 2020

DOCUMENT: DECLARATION OF SARA COBB IN SUPPORT OF DEBTOR'S  
RESPONSE TO UNITED STATES TRUSTEE'S MOTION UNDER  
11 U.S.C. § 1112(B) TO DISMISS OR CONVERT

I hereby certify that I prepared the foregoing copy of the foregoing and have carefully compared the same with the original thereof and the foregoing is a correct copy therefrom and of the whole thereof.

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing on:

Fizz & Bubble, LLC  
Attn: Kimberly A. Mitchell  
27120 SW 95th Ave., Ste. 3280  
Wilsonville, OR 97070

Oswego Financial Services  
Attn: Glenn J. Smith  
4091 Coltsfoot Lane  
Lake Oswego, OR 97035

Mike Vanier  
7650 Beveland Street, Suite 170  
Portland, Oregon 97223

Lloyd R. DuBois  
0932 SW Palatine Hill Rd.  
Portland, Oregon 97219

Express Employment Professionals  
Wayne Marschall  
7401 SW Washo Court, Suite 200  
Tualatin, Oregon 97062

Bruce Wood  
510 SW 5th Ave., Suite 300  
Portland, Oregon 97204

Diane M. Humke  
32272 Apple Valley Rd  
Scappoose, OR 97056

by mailing a copy of the above-named document to each of the above in a sealed envelope addressed to the last known address. Each envelope was deposited into the postal system at Portland, Oregon, on the below date, postage prepaid.

I hereby certify that the foregoing was served on all CM/ECF participants through the Court's Case Management/Electronic Case File system on the date set forth below.

Dated: March 20, 2020

VANDEN BOS & CHAPMAN, LLP

By: /s/Douglas R. Ricks  
Douglas R. Ricks, OSB 044026  
Of Attorneys for Debtor-in-Possession